



ARGUMENTS

Relating to a RESTRAINT

UPON THE

PRESS,

Fully and Fairly handled in a

LETTER to a BENCHER,

FROM A

Young Gentleman of the TEMPLE.

WITH

PROPOSALS

Humbly offer'd to the

Consideration of Both Houses of
PARLIAMENT.

LONDON: Printed for R. and J. Bonwicke, at
the Red-Lion in St. Paul's Church-yard, 1712.

AC911.1712. Y66

ARGUMENTS

IN FAVOR OF

THE

PRE

SENTENCE

OF THE

COURT

IN THE CASE OF

THE

PROPOSALS

FOR THE

RECONSTRUCTION OF

THE

THE

ARGUMENTS

Relating to a RESTRAINT upon

The PRESS, &c.

S I R,

I Was amazed last Night at the *Græcian Coffee-House* to hear you, of all Men, inveigh against restraining the Licentiousness of the Press; because, to my knowledge, you had been long of a different Opinion.

I was indeed the more surpriz'd, because I had been Talking about you the Night before, with a Comrade, at whose Father's House in the Country; you pass'd the last *Christmas* time was three Year: You, Sir, and my Friend's Father, it seems, spent most of the long Evenings in a familiar Discourse upon this very Argument, *viz.* Whether it would be a Publick Good to lay an effectual Restraint upon the Press, or no?

And you having taken up the Affirmative, my Friend, who writes *Short-Hand*, was order'd to take down all that should be said on either Side; which he did, and afterwards transcribed it; and hath lately favour'd me with a Copy.

You was pleas'd to take Notice, That the Queen's Majesty, having, at the opening of that Parliament, justly complain'd to both Houses of an Injury done Her from the Press by mali-

cious Men ; so very Malicious as even in Print to suggest Things of the most fatal Consequence. The Lords and Commons finding the good Queen grieved thereat , and knowing that our highest Felicity on Earth is with Her Majesty , did separately Address the Queen thereupon.

The Lords telling Her Majesty, they will do all they can to discountenance and defeat the Designs and Practices of those, who foment Animosities among the People, and will ever show the utmost Detestation of those Ungrateful and Wicked Men , who labour to dishonour Her Majesty's Reign , and distract her Subjects with unreasonable and groundless Jealousies, &c. and shall be ready to concur, in all Measures requisite to put a stop to the Malice of those Incendiaries: Desiring withal , They may be prosecuted and punish'd with the utmost rigour of Law, as the most spiteful and dangerous Enemies to the Church and State, That seeing the Queen had given undeniable Evidence, of Her Majesty's Concern, for the Dignity and Honour of the Church, They will not be wanting in their utmost Endeavours, to reconcile and unite all Her Subjects, and to extinguish those unhappy Animosities, which have too much prevail'd among us.

The Commons, with the greatest concern imaginable, found the Queen had just reason to Complain, and assure Her Majesty that they will zealously concur in every thing, that may tend to discourage and punish such Incendiaries.

Now seeing then, that both Houses of Parliament have reflected with so much Indignation on the Licentiousness of the Press, and resolved Unanimously to concur in every thing that may tend to reconcile and unite all Her Majesty's Subjects, to extinguish our unhappy Animosities, and to discountenance and defeat such Designs and Practices , as dishonour the Queen's reign, and distract
her

her Subjects, And in all Measures requisite to put a stop to the Malice of Incendiaries.

You inferr'd, that those noble and sincere Resolutions of Lords and Commons, could not more effectually be put in Practice, than by Restraining the Liberty of the Press, which was formerly look'd upon as a Matter of *Expediency*, accompanied indeed with some *Inconveniencies*; but now of late, to Ballance those *Inconveniencies*, there arise so many Arguments of *Necessity*, as those who were formerly against such a Restraint could not foresee, and that the most *spiteful and most dangerous Enemies to Church and State*, durst ever give fresh occasion to enquire into.

Restraint therefore, or no Restraint, was the Subject of your Discourse; But managed, I am told, with all that Fairness and Equanimity, that good Nature and good Manners, that Peaceableness, Moderation, and Sincerity, which they, who talk of publick Affairs, ought to make use of.

The Question then you were upon, is this, *viz.* Whether it will conduce more to the Peace and Welfare of *England*, and to the Honour of the Queen's Government, for the Press to continue open to the Licentiousness, which hath been of late Years practised; or, Whether it may not better be restrain'd within due Limits; either by reviving the Act made in 14 Car. 2. or by some other Law, that may effectually hinder or obstruct the Designs of Wicked and Malicious Men, who make no other use of Printing, but to disturb the Government, or otherwise injure their Fellow-Subjects.

To do Justice then, on both sides; to the Controversy; you did,

1. In the first place, state the Arguments that have been, or may perhaps be, made use of to defend

defend the *Liberty* of the Press ; and to each Argument you subjoyn'd such *Considerations*, which you thought most proper to set it in a true Light.

2. On the other side, You offer'd such Reasons for a due *Restraint* of the Press, as are most obvious, and of greatest Moment ; yet such only as you judged not liable to any fair Objection.

1. The first Argument taken notice of, for an Unrestrain'd Freedom of the Press, was drawn from the *Liberty and Property of the Subject*, which all *Britains* are so tender of ; because our Religion, Reputation, Lives and Estates are so much concerned therein ; and therefore, ought to take place first of all in our Thoughts.

Cons. By *Liberty* was understood , That every *Englishman* is born free from any Obligation or Burden, but what his Fore-fathers have entred into , and voluntarily laid upon themselves, and their Posterity ; or what the Person now in being hath been or shall be consenting to, by every Man's Representative in Parliament, and therefore no Act of Parliament to be made, can infringe the Liberty of the Subject, because every Man doth virtually and legally give his Consent. *Volenti non fit Injuria*, is a known Maxim.

And if the Liberty of the Subject , may be pleaded in barr to any new Law, then there must be no Laws made but what are meerly Explanatory of former ones ; But such a Supposition destroys the Government all at once, and therefore can never be allowed, because said you, *The End of Parliaments is to amend the Kingdom.*

By *Property*, is to be understood, that every Man may justly account that his own, which the Laws of the Land have made him a Proprietor of ; yet so far only, as that thereby he doth not injure another ; but no Man hath a Property to
injure

injure another, and he that doth but meddle with other Peoples Matters, farther than he himself is concern'd, our Law pronounces guilty of a Fault: *Culpa est immiscere rei ad se non pertinenti*; so that if a private Man, in his private Capacity, will meddle with publick Matters, a Law may justly be made to prohibit him, without infringing Property, and especially, if it appears to the Legislative Powers, that such Men as he, do both publick and private Injury.

But after all, they who are on the other side, draw very cogent Reasons for restraining the Liberty of the Press, from the same Topic of *Liberty and Property*; and therefore, we ought to suspend our Judgment a little, till we hear what they say.

2. The next Argument was drawn up into a sort of Proposition, to wit, *It is the mutual Duty of Men to inform each other, in those Propositions they apprehend to be true, and the Arguments by which they endeavour to prove them, which cannot be done so well as by printing them*: Letter to a Member of Parliament printed 1698. pag. 4.

Conf. 2. This, (without prejudicing the Cause in hand) you was allowed to say is no Argument, but a Specimen of that Sophistry, which by imposing false Arguments on the World, shows the Necessity of a quite contrary Conclusion.

For if the major Proposition be true, it is the Duty not only of every Papist, but likewise of every Infidel, Jew, and Heretick, to seduce the Orthodox Christians into these Perswasions: A Papist, for instance, may say it is my Duty to pervert as many Protestants as I can,—Printing is the best way; therefore I ought to be allowed the free use of the Press.

But here in *England* it is not his Duty, because no Man is obliged in Duty to perform an Act of Charity,

Charity, (suppose that to be the Author's Meaning) to the violation of Justice. And it is a great injustice to the Government, and Constitution under which a Man is protected, to make any Attempt, so as to break through all the Laws which have been made to the contrary ; especially, if he is a Member of the Civil Society, and owes his own Safety and Protection to a tacit Stipulation between him and the Government ; that he shall not openly attempt such or such a thing. But the Question was not, whether a Man be nevertheless bound in Conscience to attempt it ; but whether the Government, thinking such Attempts unlawful and mischievous, ought not to provide against them, so far forth as such a Provision may, in the Eye of the Government, seem necessary, to protect and conserve Evangelical Truth ; for you both agreed, it is not what this or that Man thinks, but what the Government shall think most reasonable ?

And you averr'd that it is no Mans Duty, to print or publish any thing concerning Religion, but under the suffrage of those, who are proper Judges of what is Evangelical Truth, or Antichristian Error ; for if every Man that will, may set up for a publick Teacher, there is an end of all Order and Discipline in the Church.

Another Sophism is, that it is *Mens mutual Duty*, without considering Means.

As if one should lay down this for a Proposition. *It is Mens mutual Duty to release one another out of Distress*, not at all said you, unless to the Proposition be added lawfully, justly, fairly, or something that may express the *Modus Actionis* ; otherwise Perjury, forging of Hands, breaking open Jails, and even assassinating the Keepers, may be proved lawful in the Conclusion.

You

You spent the longer time upon this Argument, because it carries the pompous shew of a *Proposition*, and to state it fairly 'tis thus, (*viz.*) It is either some Mens, or all Mens Duty to pervert others, if they themselves are perverted, Printing is the best way to do it, and the Company made themselves merry with the Conclusion.

Upon these *Premises*, the Author goes on, and his first Reason which you observed in the Third place, Is, that a *Restraint of the Press*, tends to make Men blindly submit to the Religion they chance to be educated in, pag. 5.

Now if he means, said you, the Religion by Law established (and that he must mean, for Books against all other Religions will be allowed under such a Restraint.)

Then the Argument stands thus. The Government ought to allow publishing any thing that makes against the Religion by Law Established. Then the Question in dispute was, whether the Government will be always of this Mans Opinion, or whether the Legislative Powers will not in due time, think that there are already printed and published enow Books and Pamphlets, and it may be 30 or 40 thousand more than enow in *English*, for and against all that can be said on all sides of Religious Controversy ; so that a blind Submission, hath nothing but invidiousness in the Phrase, for they that can Read, may give themselves all the Satisfaction they please, and find 100 Years Employment for their Eyes.

The Author might possibly have in his Head, some new Notions never heard of, much less controverted hitherto ; but that doth not appear in his Argument which is about a blind Submission to old ones. And if he meant any thing new

to be offered, we shall in vain expect it, the Devil having emptied that Quiver long ago ; even Mr. *Asgils* Notion was entertain'd by *Simon Magus*, who boasted that he should not taste Death, but by means of Superlative Holiness, be carried into Heaven in the way of Translation.

4. The next Argument is, That such a Restriction *deprives Men of the most proper means to discover Truth, by hindering them from seeing and examining the different Opinions, and the Arguments alledged for them.*

Cons. This said you is very frivolous, unless endeavours were used to hinder Men from reading those Books which are already printed and published, and as you said, there are enow already on any Question that hath been propounded. Now whether the Government ought to indulge the starting of any new Heresy, after that the Rule of Faith hath been determined and settled, in all *Causes where Men's Eternal Happiness is concern'd*, you left to any Man to judge, taking this along with him, That our Government is entrusted with the conservation of Evangelical Truth, and that every single Legislator is accountable to God, for the maintaining of that which is committed in charge.

The only proper means of discovering Evangelical Truths, are the Holy Scriptures, and were there no other, so long as there is no Restriction in Printing, Publishing and Reading those Divine Oracles, no Man can pretend a *hindrance, in seeing and examining all different Opinions and Arguments.*

5. That a Restriction of the Press *hinders Truth from having any great influence on Mens minds, which is owing chiefly to Examination, &c. p. 6.*

Cons. This is meer Tautology, for Truth has been examined these 1700 Years, and there hath been

been more printed, and is still extant on either side, than any Man can read in all his Life.

6. *It will tend to make us hold the Truth (should we chance to light on it) guiltily, for that will not be accepted, if it be not the effect of an impartial Examination, ib.*

Conf. No body lights on Divine Truth by chance, said you, it is the Gift of God by the means of the Scriptures, and the preaching of those that have a Divine Mission, and if any Man believes nothing but what the Scriptures teach, he cannot be guilty of Inconsiderateness.

7. *The Liberty of the Press was a great furtherance of the Reformation, &c. pag. 10*

Conf. As to the great and glorious Reformation of Religion, from the Errors, Superstition, and Idolatry of the Church of *Rome*, you own'd it hath received great Light from the Press, for there have been 10000 at least, excellently learned and valuable Books written and published, to vindicate and maintain it; Those alone which the Church of *England* Divines wrote and publish'd above 20 years ago, are themselves sufficient, and till they are answered, there will (you thought) be no occasion for more; nevertheless there is no likelihood, that while the Government is Protestant, the Licencers of the Press will ever hinder publishing more Books of the same Nature, whether there be or be not Occasion. But if the Reformation it self needs farther Reforming, the Press ought to be as open to the Papists as Protestants, according to the *Lemmata* of this Author in the 3^d, 4th, 5th and 6th Arguments.

And yet it remained a Question, whether the Liberty of the Press, did more hurt or good in the times of Reformation? you was of Opini-

on it was more successfully carry'd on by Publick Disputations, *viva voce*, than by printing of Books; the former had no ill Consequences, but the latter had; for after that *Henry Duke of Brunswick* began the Paper-War, by way of personal Invektive against Great Men, it carried Differences among the *German Princes* to a dangerous height; but the most deplorable effect of an unrestrain'd Licentiousness at that time, of printing what every Man pleas'd, was (as you took notice,) that almost all the old Heresies were revived, whereby the Reformation it self was intangled, and scandalized, not to say that it became odious to all the unconverted Papists upon that very Account; for all the wild Frantick and Diabolical Notions of Anabaptists, and others, being printed under the Name of Protestantism, made the Papists generally give over reading all Protestant Books; and who can blame 'em, after their meeting with so many hideous and blasphemous Expressions, as to this Day, those Writers who are against a Restraint make use of?

S. *They who address'd the late King against Profaneness and Immorality, first threw out the Bill for Restraining the Press unanimously, pag. 19.*

Conf. You observed from the Divine Oracle, that *the Children of this World are, in their Generation, wiser than the Children of Light*; and so those who were secret Enemies to that Address, did wisely according to the Wisdom of this World, that worketh by the Spirit of Disobedience, and it was indeed a Masterpiece of Satanical Policy so to do; for all pretensions against Profaneness and Immorality, are nothing in effect, but a mere grimace in those that are for keeping the Press open, without Restraint.

That

That *evil Communication, corrupts good Manners*, is a fundamental Consideration in order to the reforming of Morals, and who knows not that there is more Wickedness learn'd by conversing with impious Books, than Men?

The Moralists observe, that there is a natural Bashfulness in the most flagitious Sinners, which restrains 'em generally from talking (before modest People especially) the worst Things they think.

Whereas a Printed Book never blushes, nor the Author, if his Name be not to it, but, like a Boy that hath flung a Cracker out of a Garret Window, pops in his Head, and laughs only at the Conceit of what Mischief it may do.

To exemplify this small degree of natural Bashfulness, in some otherwise very shameless Men, you observed, that they, among those that can read, who abandon themselves to talk most lewdly, don't pretend, generally, to speak their own Sentiments, but recite rather the worst Things they say out of what they have seen Printed; for having pocketed up some dirty Scraps out of loose, obscene, and prophane Writers, they deal 'em about to the Company as Occasions serve, and then wipe their Mouths, as who should say, I don't speak my own Sense, but such an Authors.

Every Man of general Conversation, knows this to be the usual Practice of those Men that are Panders for Sin, and make no other Use of Poets, but to carry on that Trade; so that the worst part of Commerce in Discourse, is owing to a Rehearsal, which being display'd with an Air of Wit, prompts the untoward Youth to believe that he can learn privately and securely, out of a nasty Book, more of filthy Conversation, than those Companions would
have

have taught him, whom his Father, Master, or Tutor, have so carefully guarded him from keeping Company with : Any new Book especially, or Pamphlet, may be easily borrowed by him, that hath not Money enough, perhaps, to keep Company ; easily, I say, because some People are much freer to lend out a bad Book than a good one.

9. *It is not certain we shall always be blest'd with the Government of a Prince (meaning the late King of immortal Memory) so entirely Protestant ; and if the Papists should pervert one, and by that Means get the Publishing their Doctrines without Contradiction, they might by degrees confound the Protestant Religion.*

Conf. These Words, if the Author did not look a-squint, carry, as you own'd, a Face of Truth.

10. *The Pulpit and Press too, ought not to be entrusted in the Hands of the Clergy, p. 22.*

Conf. Why not one as well as t'other ? reply'd the old Gentleman, my Friend's Father : Or, rather, What Occasion is there to controvert this Point ? The Question is not, Who shall be Licensers, but whether it is fit to appoint any.

11. *A Licensor of the Press, might hinder the Injur'd from appealing to the People, by publishing their Grievances, p. 25.*

Conf. The Law is open, said you, let them implead one another ; Appeals to the People are of most dangerous Consequence to all Magistracy : But that every Man may appeal to the Representatives of the People, the Triennial Act hath provided.

12. *Such a Restraint will hinder People from looking into the Designs of an arbitrary Court, and the Chains that are preparing for them, p. 26.*

Conf.

Conf. It was agreed on both Hands, that the Author should have spared this Reflection in the Time of King *William* the Third, whose profess'd Aim was to maintain Liberty and Property ; *Se maintiendra* was his Motto. But said you, calmly , Are not the Lords and Commons a sufficient Bulwark against any Designs of arbitrary Power ? Are not They better acquainted with the Boundaries of Royal Prerogative, and better prepar'd to resist any Invasion of their own, and the People's Rights and Liberties, than every wanton and malevolent *Boutefeu*, that cries Fire, Fire, when there is most Danger of an Inundation ? The Flood-gates of Immorality and Prophaneness are now open, and, morally speaking, nothing remains to prepare us for Desolation, but to make the House of Lords useless ; who, standing like many Columns of Marble between the Throne and the People, are the Ornament, as well as Defence, of our unparalell'd Constitution. And then, to show that nothing could transport you beyond your own Temper, you paid that Compliment to the Author you were upon, as to quote out of him two Corollaries without making any Reflections upon 'em.

1 Cor. *The best Things, when perverted, become the very worst : So Printing, which in it self is no small Advantage to Mankind, when it is abus'd may be of most fatal Consequence, p. 27.*

2 Cor. *Most Countries in Europe maintain'd their Freedom tolerably well, till the Invention of Printing, p. 16.*

13. *The Liberty of the Press informs Parliament-men of all sorts of Things, which some Men of Gentleman-like Education may not have consider'd, p. 20.*

Conf. It is highly reasonable therefore, I hope, said you , in all Peoples Opinion, that the
Speaker

Speaker of each Honourable House be among the Number of Licensers, which effectually takes off that Objection.

14. *A Restraint of the Press, will be a great Discouragement to Learning, &c.*

Cons. You argued the quite contrary ; For it will be a great Encouragement to Learned Men to print good Books, and advance the Sale of them, when they come forth with Authority ; and the Suffrage of a judicious *Imprimatur* : Books will then be distinguish'd like Money, by a Royal Stamp ; People will know better what they spend their Money and Time upon ; they will know before-hand that there is no Poison in the Composition, and they will take to it with a better Gust, and please themselves more securely. You would answer for all that are truly Learned, that they would be glad of an *Imprimatur* ; and as for the Smatterers and Dablers ; they are the great Discouragers and Depreciators of good Learning, and had better spend their Time in reading profitable Books, than in writing such as are whimsical and unprofitable ; of which, said the Old Gentleman, the Apostle gives this Character — *foolish and prophane babbling, and Opposition of Science falsely so call'd.*

15. *Restraining the Press, will stifle Controversies ; and to stifle Controversies, is a Sign of a bad Cause.*

Cons. You remark'd, that the late King stifled a Controversy between two very Great and Learned Men, in a Point of Religion. Was not that generally look'd upon as a great Instance of his Goodness, Prudence, and Piety ? And did either Cause suffer by it, in the Opinion either of the Learned or Unlearned ? Who could say thereupon, which of the two was a bad Cause ? When a Cause is stifled, the Combatants
are

are parted ; and, What Harm is there in putting such an End to a Fray, as not to decide the Victory ? Let it rather be enquir'd, Whether all manner of Duelling between Parties ought not to be suppress'd ? We have Enemies enow Abroad, and its high Time we should be in Love and Peace at Home : Nothing ought to be any longer controverted in a well-settled Government, which the Laws of God and Man have determin'd ; And they who entertain novel Opinions, should rather seek earnestly to reclaim their own wild Notions, than obtrude them on the World, to the Disturbance of those whose Minds are at Ease.

16. Another Argument is drawn from the mercenary Practices which have been, or, at least, may be suppos'd will be, of Licensers and Messengers of the Press, whereby some useful Books may never see Light.

Conf. The Wisdom of Parliament, you rejoin'd, can easily prevent that, and the Method of Licensing may sling that Argument out of doors : But, after all, for one useful Book which may be suppress'd, a hundred, not only useless, but pernicious Books and Pamphlets, will be so to ; and you quoted the Law which saith, *ad ea quæ frequentius accidunt jura adaptantur.*

17. All the other Arguments were allow'd to be comprehended in that one Word *Barbship*.

This may be said of any Bill, said you ; but when it passeth into a Law, every Man hath given his Consent, *Et actus legis nemini est damnosus.*

Besides, if any one Party shall think themselves aggrieved, all Parties at the same time will be equally relieved ; and without such a Restraint of the Press, as the Wisdom of Parliament shall think fit, the Party which is now

most against it, may have most Cause to complain hereafter for want of it.

When you had done with all the Arguments against a Restraint of the Press, you thought you might be allow'd, in the next place, to produce such Reasons as may be alledg'd for it.

You said, upon resuming the first Argument against a Restraint, That Liberty and Property would be alledg'd on the other Side.

Liberty and Property, said you, deserve, in all Men's Opinion, to have a good Hearing.

And they, who are for restraining the Licentiousness of the Press think, that otherwise (as Times go now especially) those two dear, and dearly paid for Articles, of every *Englishman's* Birthright, cannot be preserved.

1. First then as to the Liberty of the Subject ; you thought it inconsistent with such a Liberty of the Press, as hath been practised.

For the greatest contradiction to Liberty, is Tyranny, and that Tyranny is the most insupportable, which is attended with one or both these Circumstances.

1. When it can neither be avoided, nor oppos'd.

2. When it is in the Hands of a Multitude.

As to the First of these two Circumstances ; you observed, That an unrestrained Liberty of the Press, introduces daily a most unavoidable Tyranny over Conscience and Credit, in as much as the Opinions and Judgment, Intentions and Meaning, Fortunes and Reputation of Men, may by this means be, and are daily traduced, overawed, ridiculed, insulted, ensnared and trampled upon ; in the most unavoidable and irremediable manner, that can be express'd.

Unavoidable, said you, as the Press is now managed, because neither high Birth, nor other
Dig-

Dignity, nor Learning, nor Prudence, nor Innocency of Life, nor Piety, can protect any Man from the Chance-medly, not to say a sort of Manslaughter, and Murder, which is very frequently committed by the venomous Pens of mercenary or malicious Writers.

You thought there was no Way of proving what you said, but by coming to Particulars; which still you did forbear, with that Ingenuity (it was observed) which those Men want, who reprint the most horrid Paragraphs of a Villanous Book, under pretence of answering it, which whilst they as much want Sense as good Will to do, they mean only to make it more Publick: But that which you offer'd to as much purpose, as particular Proofs, was a publick and undeniable notariety of Fact: It is too well known, That those in this Nation, who are most eminent for Piety, Nobility, Learning, Courage, Conduct, Constancy, and Integrity of Life; have been the most vilified, and traduced of any; by a meagre, envious Monster which spares no Age, Sex, Quality or Condition; but gnaws and pollutes Sacred and Secular Things, and Persons alike; Observes no Law, Rule nor Decorum, but insults and overbears. with uncontroll'd Rage whatever it lights upon.

This is inconsistent, you said, with *British Liberty*, which neither Prince, nor Subject can enjoy, so long as a Wild and Frantick sort of *Retiarii*, or Net flingers, are hovering over every Man's Reputation, and haleing it down to the Ground cowardly in the dark; There is no Man then hath any Security in his Honour, or Wisdom, or Bravery, or Innocency for want of a Law to inhibit this Tyranny, now that Experience hath taught us that all Laws hitherto made are insufficient, so much as to find out much more to punish the wrong doer.

2. The other great Aggravation of Tyranny is when it is found in the Hands of a Multitude.

And the Tyranny, said you, I am now speaking of, hath such a Multitude of Agents, that the most insipid, as well as most malicious Papers which are daily scatter'd abroad, carry the Reputation of being formed by no less than a whole Club.

Even those that can neither write nor read are become Authors, by carrying some malicious Tales to the next Office of Intelligence, whereby they may undiscover'd, and so unpunish'd, revenge themselves upon the Reputation of an innocent Neighbour.

We are come to that pass now, (you spoke it with an air of Indignation) that if one Man hath not a Legal or equitable Cause against another, and that he is worsted in the Courts of Judicature, the Defeated Litigant threatens to print his Case, and not only fling dirt upon his Adversary, but likewise upon the Justice of the Nation.

Where then is the Liberty of Conscience in the Magistrate to do Justice, where is the Liberty of Honour in the Commander by Sea or Land to obey his Orders, Where is the Liberty of the People in a free innocent and easy Conversation one with another, if any Man may be dress'd up and painted, and expos'd like a Heretick coming out of the Inquisition, to the Reproaches and Indignities of a rude Mob, without Coercion, Redress, or Amends?

This the Old Gentleman confessed to be a sort of Slavery which our Forefathers sure under such frequent Provocations, would never have borne, nor can we bear it long without being brought into Convulsions.

Ay, said you, and the Eyes of all good Men, will be upon, the Wisdom and Unanimity of a Parliament, who will deliver us all from this Bondage which lays a new and Arbitrary Tax upon Men's Reputations, not for carrying on a War against *France*, but for laying up in Store, matter for a civil War at Home, as opportunity shall serve.

Liberty and Freedom of Speech is that high Privilege which belongs only to the two Houses of Parliament ; and they who insolently assume it without Doors are guilty of the highest breach of Privilege against both Houses, and how much more do they break in upon a fundamental Honour and Right, of the most august Assembly in the World, who arrogate to themselves an uncontrollable Liberty, not only of Speaking, but of Writing and Publishing what they please ; which is many times to the Dishonour and Disturbance, not to say Danger likewise, of the greatest and best constituted Powers on Earth.

Property was the next Thing under Consideration, which you knew to be clamourously insisted upon, with that vulgar piece of Craft, whereby the wrong Cause pre-occupates sometimes the best Arguments of the right ; and so puts the Plaintiff upon the Defence, as if all that can be said in the Case, is only by way of Answer to an Objection. Well, let it be so, said you, and seeing the Objection was made, before the Article is alledged, let us hear it first.

‘ A Restraint of the Press, (say they) will bear hard upon Property. If a Man for instance writes a Book, or Sheet of Paper, with as much Labour and Pains as one can Imagine an Author to take, and he may not be allowed to print and publish it, for his own profit or humour, without an *Imprimatur*, why then the Man's Property is invaded. But

But how so? not at all, his Property may be no more invaded than a Butcher's Property, if he may not sell meazlely Pork, or rotten Mutton; No more than a Vintner's Property is abridg'd, if he may not sell sophisticated Wines; no more than an Apothecary's if he may not put off fallshy prepared and destructive Medicines, contrary to the Prescriptions of licensed Doctors; and in a word, no more than any Man's Property is touch'd, if a Penal Law forbids him to use false Weights and Measures, in the uttering ev'n good Commodities, tho' he alledges at the same time that People are willing to buy of him by those false Weights and Measures.

For religious, and State Affairs, ought to be guarded against such corrupt Practices, as an Unlicensed Press makes use of, tho' the ignorant People are never so willing to be deluded: Law and Equity take care that ignorant People may not only, not be cheated unwittingly, but that their own consent to such Frauds may prove invalid, as in the case of Minors, Ideots and Madmen, to prevent Peoples ruining Themselves and Families; and the Law may justly suppose such Men to be Minors in Understanding, to say no worse, who are subject to be poisoned unawares, by false and pernicious Notions.

Therefore as a Master of a Family ought to lay Swords and Pistols out of Childrens way, tho' the Children may claim property by the Leave of the Proprietor, be he Neighbour or Servant, yet the Property of the Master or Father to take care of the Children committed to his Charge, is to be preserved much more inviolably than that of any other Claimant.

Not to insult the folly but to expose the fulsomness of Objecting *Property* against a due Restraint of the Press, you were familiar and facetious

tious in saying, that the Man who drives the Dun-gcart may possibly have a Property to all that is in it; yet if a freak should take him to bestow some of it upon every Coach and Six that goes by, he hath no reason at the sight of a Constable's Staff, to bawl out that his Liberty and Property is invaded.

But now to show, that the Argument drawn from Property, is unfairly preoccupied, as indeed that of Liberty hath been; you added, That these two are inseparable, especially in the Article of Defamation, which all municipal Laws have taken much care to inhibit, meaning in all Ages and Countries, by providing pecuniary and corporal Punishments against those, who invaded the dear and tender Property of Men's reputation: The *Græcians* provoked with the Scurrility of *Susarion*, *Cratinus*, *Aristophanes* and *Eupolis*, made an effectual Law against Scribbling.

Solon, the famous Law-giver, made a Law to the same purpose; and *Olympius* is celebrated for the like care of every Man's Property, and that every Man should live secure, without being bespatter'd or defam'd.

It was one of the brightest Gems which adorn'd the great Character of *Augustus Cæsar*, that he took care to suppress infamous Libels, provok'd thereunto by the Liberty, which *Cassius Severus* took in exposing the great Men, and Women of the Age.

And the *Roman Law* was, That such Scurrillous Authors should be beaten with Battoons; but you commended our Law for saying, *Præstat Cautela quam Medela*.

We have many good Laws against the writing and publishing Seditious and Scandalous Papers; But you have been taught of late by woful Experience, That the Liberty of the Press
had

had evaded all those well-intended Laws, and made them useless; because the Mischief was become uninvestigable, neither Author, nor Printer can be so discovered, as to be legally prosecuted.

The way of Information and Proof is troublesome and chargeable, and in some respects so dangerous, that few will run the risque of going about it; and when all is done, the Author when convicted, shall perhaps find Advantage rather than Punishment.

For when he is Fined and Imprisoned, he shall remove himself to the *Queen's Bench* or *Fleet*, and there be maintain'd Sumptuously to write on in a better Equipage, than when he had his Liberty; for he hath now the property of a Prisoner, to eat, drink and be merry at the Expence of other people.

2. It was doubtless with your usual air of Gravity, that you took notice how much the Manufacture of this Nation hath been of late Years hindred (in *London* especially, and the parts adjacent) by the mispending so much Time as the poorer Tradesmen do, in going about from one Coffee-House to another, poring upon Seditious, Heretical and Treasonable Papers: As by way of rebuke to the City of *Athens*, a holy Writer takes notice, *That all the Athenians and Strangers which were there, spent their Time in nothing else, but either to tell, or to hear some new Thing.*

This mis-spending of precious Time, you shew'd to be of great Disadvantage to the Manufacture of our Nation in general, as well as particularly, to the indigent Wives and Children of those Crafts-men, who, many of them naturally sober, or else too poor to spend Money at an Ale-house, would be otherwise employ'd in looking after their idle Servants, or minding the
business

business of their Vocation, if they were not bewitched to the reading such innumerable Papers.

3. And you insisted likewise upon a greater Mischief than all this, which attends the frequenting Coffee-Houses under pretence of reading new Papers, for here Men learn the Art of Scandal and Detraction; These News-Papers give them a handle for Defamation, then they divide into Sides and Factions, and from Arguing and Disputing, to Thwarting and Quarreling, especially among Neighbours, who come together good Friends, but by whetting their Wit upon the subject of News-Papers, one provokes another in defending, and he a third in disproving the Defamatory Lies therein contain'd, till some part of the Parish is in an uproar.

One sees there perhaps a Friend of his, or some Person for whom he hath a Veneration, to be vilely exposed and traduced in Print, he cannot forbear saying thereupon, " That the Laws against
" taking away ones Reputation, and good Name,
" should be as effectual as against taking away
" ones Life or Estate; That the Person so publickly defamed, hath a property to a better
" Character, which the Law ought to defend,
" and that he by these clandestine Assassinations, is deprived of the liberty of Defence, and
" loseth the chief Article of his Property, and
" which he sets a greater value upon, than Life
" it self.

And how frequently doth it happen, that most parochial Feuds and Animosities have begun at those Coffee-Houses, which are most frequented by reason of this Paper Fuel.

4. These two Inconveniencies last named, were not so visible you confess'd, to those who are the proper Judges of this Matter, but the next Mischief is evident to all Men, to wit, that

D

by

by the present Liberty of the Press, the Magistrates are oftentimes threatned, and discouraged in the exercise of their Office. Ay, replied the old Gentleman, *there is a word* saith the Preacher, *that is cloathed about with Death, God grant that it be not found in the Heritage of Jacob, for all such things shall be far from the Godly, and they shall not wallow in their Sins.* He added, They that wallow most in their Sins, are most afraid of Vengeance, and the Civil Magistrates being God's Ministers of Vengeance in this Life, they that look no farther think, if by menacing words they can terrify those in Authority, from inspecting into the Capital Crimes of these and their associate Sinners; they may securely wallow on, and by their Impunity influence others, till they get power enough into their Hands *to establish Iniquity as a Law.*

The holy zeal of my Friends Father, had made him forget which side of the Cause he was of, and so you went on.

Those I speak of are the great Procurers of the Age, which is the true word of Discrimination, tho' they carry it more like Patrons of Impiety; and those are the Men who will be found, I don't know yet whether secretly, or barefaced, to be the most indefatigable Obstructors of restraining the Press.

For after all their other innumerable Procurements, they have a secret way of providing likewise for the Press, well knowing that Libellers in *England*, are of the same use as the *Russians* or *Assassins* in *Italy*.

To say they are as Highway-men in Masks, is a faint Simile, for these may be provided against or avoided, and the insulted Person has sometimes a power of defence, seeing our *English* Highway-men have more Courage, Mercy, and
Gene-

Generosity, than to shoot standing behind a Tree, whereas the Libellers never appear, whether they shoot at Random or at a Mark, their Mein or Style are as incogniscible as their Faces; their Hands and Feet are in Masquerade when they assault, and when taken, the very fact was so disguised by syncopated or fictitious Names, that they cannot be prosecuted; and yet they are seldom taken, because the Procurers House becomes a Sanctuary, and the great Master of it a Patron.

So that I may justly say, the Authors of seditious and treasonable Pamphlets, are very Assassines of all Government, and he that undertakes to defend the licentious usage of Libelling, may at the same time justify not only the wearing of private Daggers, but the using them too, even against the Person of the Magistrate himself.

And some believe, that he who writes against the Government either in Church or State, would fight against either if he durst; but writing and fighting being too different Talents, the unknown Author is sent abroad by the Heads of Faction, with the Passport of an open Press, to proclaim like a Trumpeter some occasion of Rebellion, *Improbi rumores dissipati sunt Rebellionis prodromi*, was your observation out of the ancient Sages of the Law, which fatal Experience hath too much verified.

Nevertheless it holds good in Theory too, for all Accessories said you in Crimes of the highest Nature, are Principals by the Common Law; whether they be Accessories of *Precept*, *Force*, or *Aid*.

Accessories of *Precept*, are those who incite, procure, set on, or stir up any other to do the fact; Accessories of *Force* are those only who procure or furnish Weapons to do the fact, and by force whereof, the fact is committed in the Parties absence;

but Accessories of *Aid*, comprehends all Persons counselling, abetting, plotting, assenting, consenting, and encouraging to do the Act.

You wish'd Enquiries of this nature were only Theoretical, and that any Man upon reading the Annals of Queen *Elizabeth* would see, whether good Provisions by Law are necessary or no?

It was by virtue of a Statute made before her time, that *Stubs* and *Page*, had their right Hands cut off for writing Seditious Papers.

Yet this was not warning sufficient to the Puritans that came after, that they should not write against the Queens secret Purposes.

Whilst the Papists in printed Books, stirr'd up the Queens own Servants, to attempt the like upon her, as *Judith* did upon *Holophernes*.

And *William Parry* was confirm'd in his desperate Treason, to assassinate the Queen, by reading a Book of *Dr. Allens*, *contra justitiam Britannicam*.

Jo. Somerville confessed, he was prompted to the horrid Treason for which he was condemned, by often reading certain Seditious Books lately publish'd, which was the reason doubtless that *Carter*, *Awfeild*, *Welby*, *Penry*, *Waterhouse*, *Bullocke*, *Ducket* and many more whom you reckon'd up, could find no Mercy, but were hanged, and some bowell'd and quarter'd for printing and publishing seditious and traitorous Books:

The old Gentleman chang'd Countenance till you reason'd, that these frequent Executions seem'd the less rigorous, when it came to be understood, that the many Treasons and Rebellions of those times, were encouraged and promoted chiefly by those Libels, then publish'd against the Queen and her Ministry; and then you went on upon the dismal effects, the reprinting *Penrys* and *Parsons* Books, and the publishing many other seditious and traitorous Books, Libels and Pamphlets had
about

about the beginning of the late Rebellion, from the year 1638, and so on.

Some will say Sir, continued you, that this present Government doth not afford subject Matter, for invidious and scandalous Reflections, and therefore there is no need of *Abundans Cautela*; but I remember that once a hanger on upon the Court of *Alexander* the Great, pretended to be a mighty Master in the Art of bespattering, and one of his Maxims was this; *Tho' the Wound of a biting may be heal'd, yet some Scar thereof will be left*: And a Prince or a Magistrate should defend himself and all his Subjects, not only from the Teeth, but likewise from the foam of a mad Dog.

But could it be supposed after all, that during this just and mild, and wise Reign, there can no great danger accrue, either to the Queen or her Government, from a Liberty of the Press; yet on the other side, what danger then can there be in a due Restraint, what advantage can such a Government lose by providing against an imaginary Danger? The good Queens Government receives no manner of benefit by this underhand way of Printing, and publishing Remarks upon it; for it stands in need of no Clandestine Assistance from such poor Officiousness; and if it did, there is nothing that can apparently make for the present Establishment, which will want a due Licence to be published.

You went farther and said, That those Libellers who exercise thus their venomous Talent, have no opportunity during so just and mild and wise a Reign, than by making false and malicious guesses at Secrets of State.

Which way of guessing at political Mysteries, and then publishing as matter of fact, a bare surmise, is the most dangerous piece of Malice that
can

can be exercis'd against Government, whether the Secret be good or bad, or whether the Guess be right or wrong.

If the Secret be laudable, and the Guess true, it is no longer a Secret, and so 'tis spoil'd.

If the Secret is not well concerted, as no human Contrivance is infallible, the guessing at it, and publishing it, deprives the Ministry many times of an opportunity of obviating all the bad Consequences; Whereas History affords us diverse Instances, where experienced Statesmen by retrieving wrong Measures, have given more successful turns for the advantage of the Republick, than better concerted designs could, (humanly speaking) have effected; Tho' such happy turns ought rather to be attributed to Divine Providence, who often takes care, that where nothing but a good Design hath been intended, it should not miscarry, tho' founded upon a fallible Bottom, that God above may have the glory of its Success, and that the wise, tho' good Man, may not *boast in his Wisdom*.

On the other side, he that publishes a very guess at the designs of the Ministry, be the thing said to be projected, true or false, good or bad, doth great injury to the publick Affairs, by proclaiming it as already concerted; for he either banters the Ministry, or exposeth it, or forestals the Design.

But it requires alas, a longer Head to do either, than the acutest Pamphlet-writer of this Age ever had; the *English* Air is generally speaking so foggy, that it requires good Learning, and many years experience in Politicks, to ken any thing at a distance, to project or to penetrate into any of the sacred Mysteries of the State.

I know,

I know, reply'd the old Gentleman, a Fools bolt is soon shot, or in the words of Solomon, an unseasonable Tale, will always be in the Mouth of the unwise.

People will be meddling with Matters they know nothing of, in spite of the Poet.

*Navem agere ignarus maris timet, abrotanum ægro
Non audet nisi qui didicit dare, quod medicorum est
Promittunt medici, tractant fabrilis fabri.*

And if ever they hit upon a shrew'd thing, it is lost in the contempt of the Author, because a wise Sentence shall be rejected, when it cometh out of a fools Mouth, for he will not speak in due Season. Here my friends Father forgot his part again, and you Sir proceeded.

They in the mean while who transact the great Affairs of State, have a comfortable time of it, who are obliged to frame a long Chain, or Series of second Causes, and moral Events; whilst the profoundest Counsels of their Judgment, and the warriest Steps they can take, shall be traversed by one or two false Brethren crept into the Secret; and then betray'd to be canvass'd and traduced, by such nauseous Pamphlet-writers, whose very Stile is so insipid, or so putrid, that even their pretending to espouse, is alone sufficient to blast or spoil, or make abortive the best Cause, and the best concerted measures in the World; so that there is no Liberty left either for the wisest Statesmen to project, or the bravest Commanders to execute such noble Designs, the felicity of whose effects, would otherwise fill every good Patriot with surprizing Satisfaction.

But if the Populace upon the first appearance of any State-Measures, cannot penetrate into the depths of them, the prime Minister must either

ther take the Key out of his Pocket, and *coram nobis* decypher his meaning, or else be threatned with some impending fate.

Nor are the inferiour Magistrates less restrain'd in their Liberty of acting conscientiously in the discharge of their Duties; for if an Offender comes never so justly to the Bar, or under the Rod, you have a Libel bolts out in 2 or 3 days time, with such malicious and false Reflections, as if it were resolved to introduce Slavery, by bullying every Officer of State out of his Courage and Honesty.

Alas! For Us and our Posterity, if things are to go on thus, that the very Magistrates, in whose Hands the Liberty and Property of the Subject is, by ancient Law, deposited, must wink hard at all manner of Offences, and sneak before the wrong doer for fear of being next insulted.

How are our venerable Bishops, our illustrious Peers of Parliament, our honourable House of Commons, our Gentry, our Clergy censured, and on all sides with Indignities loaded by the Boute-feus of every different faction, to the great scandal of Government in Church and State.

If therefore all Sense of Religion and Honour, and safety of the Common-weal, be laid asleep in some Mens Understanding, yet let the natural light and sense of Self-preservation, awaken the minds of those that are in Authority, to consider that none of 'em can be safe and easy in the discharge of their several Duties, till the licentiousness of the Press be effectually Restrain'd, and that the wisdom of Parliament shall think it necessary, to give a mortal thrust into the bowels of this *Hydra*.

Let

Let us consider in the next place, what Encouragement in the mean while, our Enemies to Church and State meet with, from this unrestrain'd Liberty of the Press; the Church is in no danger from the Government, because it is an integral and essential part of it, and none but Fools or Madmen can be Enemies to themselves, but it may be in danger from these traducers of Government, as the *Jewish Church* once was by the practices of *Aaron* and *Miriam*, against their meekly zealous Prince and Ruler.

But you supposed the Case not so bad, and that an innocency like his, is secure always of the same Divine Protection that *Moses* found, yet the Enemies of the Establish'd Church and State, will flatter themselves (you fear'd) by the Apologue of the Shepherds Boy, that when a real Danger appears, she may receive no succour from her Friends, that have been abused with false Alarms.

For brevities sake, because it was pretty late that Night, you was willing, rather than add other Instances of the encouragement given to the Enemies of Church and State, by the Liberty of the Press.

To let the next Reason against it, serve for a farther Exemplification.

To wit, that hereby the Differences and Animosities of contending Parties and Factions in the Kingdom, are indeed widen'd and aggravated, and must needs be so, as long as the Press lies open for every turbulent and fierce Writer to vent his Spleen in.

You thought it a dangerous, at least, a very severe piece of Policy in Queen *Elizabeth*, not only privately to foment Factions, as many other Princes following the Counsel of *Machia-*

vel have done, and sometimes to their Cost, but to take care not to suppress the printing of Libels, that she might the more successfully revenge her self upon the Authors and Abettors, so that few durst read, and fewer put in practice the design of those Libels.

But it was agreed, that the Moderation and Clemency of our good Queen, abhors all such Measures, the desire of her Soul is to have her Subjects united in Love and Affection, which the Licentiousness of the Press will not suffer.

Nihil est quin male narrando possit depravarier, every thing may be made worse than it is, by telling it wrong.

It was an instance of great Moderation therefore, in *Demetrius Poliorcetes*, to sling all manner of scurrilous Pamphlets into the River, of what side soever they were wrote, and a more illustrious one in *Constantine the Great*, to burn all the Libels which the Christians of his Age wrote against one another, without so much as satisfying his Curiosity by reading them; and if now the Church and the Dissenters were restrain'd each from writing against t'other, it might be excused by that Example, which was never censured by any of the Ecclesiastical Historians.

You question'd not but there might be on foot, some wise and pious endeavours to extinguish our Animosities, and to extirpate the invidiousness of such hot and cold Distinctions, which make one reflecting on the times, think often of *Bedlam*, when *Oliviers* Porter at one end was tearing his Bible to pieces, and sticking it about the Room for every body to see his Devotions, and a Newsmonger at the other end writing Almanacks, and predicting Consequences of his own Schemes: Such Partieships and Factions might be observed in the mean time in the middle

middle of the Gallery, that it was the sweetest part of the Entertainment, to Characterise each other, and yet none of them all the while thought himself mad.

Then you went on more seriously, saying, all that the Dissenters pretend to, is Liberty of Conscience; the Church-Party think the Dissenters have it, and the Queen whose Word is Sacred, hath promised to maintain it; but let us see now whether the licentiousness of the Press, doth not yet obstruct the enjoyment of it.

Liberty of Conscience is the free enjoyment of ones own private Opinion, and every Man because his Opinion is Orthodox to himself, hath a just Title to it, so long as he doth not thereby disturb the Peace of the Church and State.

Now as two sorts of Disturbances may happen to the Church, so likewise to the Protestant Dissenters from it; to deprave the Opinion of the Church either in its Common-prayer, Doctrine or Articles, is one sort of Disturbance, and to molest the Minister in the exercise of his Function is another; so likewise to belye the Opinions of the several sorts of Dissenters, is infringing their Liberty of Conscience, as grievous without all doubt, and as much a Persecution, as to deny them the use of their Meeting-Houses; and had you been a Dissenter, you should think worse, because it not only renders them contemptible and odious to the People, but prejudices and incenseth the Magistrate, from whom if they had it not, they might hope for Indulgence.

Whereas the licentiousness of the Press, oftentimes under pretence of exposing their Errours, represents them to hold such Tenets, and as carrying on such Designs. which are not only inconsistent with Christian Religion, but with the

Government by Law established; This is not the way either to Convert or to Comprehend them.

For suppose, said you, I am a Dissenter in Opinion and Practice; the proper method to reclaim me, is not to represent me to the Government as irreclaimable; by putting false and forced Constructions upon my meaning, and making me that which I would abhor to be; That is a case of *Hardship*, and even *Persecution*, for other People to say and publish in print, that for my Opinion and Design; (not perhaps without aggravations) which never entred into my mind. How hardly some Protestant Dissenters have been treated in this manner, might be made appear in several Instances which I shall forbear to recount; and it would be a great sign of Inconsiderateness in any of *them* especially, if they should oppose means of Redress, who by defamatory Libels, are traduced as Enemies to Christ and his holy Gospel, as they are to Her Majesty and our present Establishment.

On the other side, the Discipline and Government of the Church, ought in the mean time to be as well protected, as the Governour and Subordinate Officers against all false Constructions, and the Book of Common-prayer should be no more depraved by writing, than by speaking against it; for the Act of Toleration is an Act of Indulgence, and not Encouragement: It was intended to lessen the number of Dissenters, by showing that the Church of *England* never was of a persecuting Temper.

And there is no more occasion to believe it was meant that the Dissenters should preach to the People of the Church of *England* from the Press, than from the Pulpit, for otherwise the same Reasons would hold, for their coming into Churches

Churches to Preach against the Establishment, as for the more publick way of Printing against it: But the only Reason for the latter, after Enquiries is, that which *Zoilus* gave when he was rebuked for his Impertinence, *ποιῶμαι κακῶς βελγόμενος ὅτι δύναμαι*; *I will do wickedly because I can.*

8. In the next place, you reflected upon what Encouragement and Advantage is hereby given to the Jesuits, and other Emissaries of the Church of *Rome*, for the introducing of Popery.

For tho' most of the Libels printed against the Establishment of the Church, are vulgarly suppos'd, by their Stile and Tendency, to be publish'd by Protestant Dissenting Parties respectively.

Yet you was willing to have such candid Thoughts of all Protestant Dissenters, as to believe the Jesuits have the main Under-hand in the most virulent Invectives against the Church and Church-men; and many of the most knowing Members of the Church of *England*, have given it for their Opinion.

It is too well known, that as the Jesuits were the first Broachers of Heresy amongst Protestants, so they have ever since been the great Incendiaries amongst *English-men*; and, whilst they dare not appear bare-faced themselves, they herd with all Parties, to make us destroy one another; and are willing, rather than fail, to sacrifice Christianity it self to the Secular Interest and Grandeur of the See of *Rome*.

Hence it is, that many late Pleas for Moderation, are dress'd up with so high a Seasoning of Deism, and dish'd out with variegated Figures of blooming Rhetorick, against those that wait at the Reform'd Altar; and that the missionary Priest may not be suspected to have had a hand in it, *Priest* and *Priest-craft* are often mention'd with the utmost Contempt.

Thus

Thus whilst a Learned, an Orthodox, and, for the most part, a Pious, Meek, and Holy Clergy, are villainously and very undeservedly treated with Ignominy and Reproach, and the Faults of a very few guilty Persons (not one in 500 reported so to be) are drawn out in Print, as the Outlines of the most innocent and best deserving Priesthood in the World, it is no wonder if ignorant and ill-affected People should form to themselves strange and hideous Ideas of the whole.

It is out of Revenge, as well as Policy, that not only the cunning Jesuits, but the silly Monks, that are now up and down in Disguise in every Corner of the Nation, make use of our Press to bespatter a more regular Clergy than themselves.

Those whom, with Envy, they look upon as far the best Preachers in all Christendom, Men whose Labours and Successes have been most eminent for the Preservation and Propagation of the Reformed Religion; who, in the late dangerous Times, were the bravest, and well-nigh the sole Champions of it; Men that have deny'd themselves all the Honours and Riches that Law or Physick would have promoted them to, and taken up with a small Portion of this World's Goods, meerly that they might be helpful to others in the great Concerns of a better.

These, alas! are daily insulted and vilify'd, with all the Buffoonery and Insolence which they who want Argument and Learning think fit to take up with. Nor is it that the Good Men of the Church of *England* want either Wit or Learning to expose and rebuke sufficiently these Libellers, by Replies and Rejoinders.

But the Pamphlets I am speaking of, are truly so very dull and numberless, as it is for those two Reasons only almost impracticable to make any Answer; besides that they swarm about chiefly

chiefly, as I said, in *Coffee-houses*, where Novelty, more than Truth, is the Entertainment sought after; and it is not fit that grave and serious Matters should be canvass'd in that Place, where Men come often reeling out of a Tavern to rinse off a Debauch.

And as there is no other Way left in View, for the re-introducing Popery into *England*, than by Scandalizing the Governours and Ministers of the Church. The Courts of *France* and *Rome*, may find their Account in another Effect likewise some time or other, by the Freedom of the Press; and that is in a Matter that I should be almost afraid to name, if it had not already began to shew it self.

I mean, That Umbrage, which Foreign Princes and Potentates, our best Friends and Allies, may some time or other be prompted to take, when they shall come to see, perhaps, their Persons, their Titles, and their Government, dishonour'd, litigated, and traduced by our Libellers, who, appearing in Print, arrogate to themselves the Conivance, or it may be thought Indulgence, of that Supreme Authority, which Sovereign Powers know very well might, may, and can, provide against such insolent Caprices.

We our selves, more than once, in former Times, have felt within our own selves the Resentment of such Affronts, which the Subjects of Foreign Powers have offer'd to our own Princes, especially in the Reign of King *Charles* the II^d. when it happen'd (too often) that some wanton and dangerous Wits in *Holland* exercis'd their Talent in making bold with that Monarch, who was too great a Judge of Wit, not to see himself affronted: And tho', when it was complain'd of, it was answer'd, That the Constitution of that Republick gave greater Liberties to the Subject than we
might

might suppose ours would do ; yet that Excuse would not serve our turn, we were more inclinable to believe, that there was Connivance, if not Countenance, in the Case ; and as we know there is in every Nation an absolute Power, even the punishing such Offences which might have been prevented, was not thought an adequate Satisfaction for the Injuries sustain'd, we heart-burn'd thereupon, not only the particular Authors themselves, but their Government likewise, for not preventing such Liberties, taking it for granted that the Publick was answerable for whatsoever was in their Dominions made publick ; and that which was, doubtless, but the Effect of Unwariness or Remissness in that Government, was by us aggravated to that degree, as it became none of the least Articles of Complaint, and made use of by the secret Intrigues of *France*, as a Pretence of Justice, in beginning a very bloody and unhappy War.

How small a Spark many times kindles a great Fire ! And it is with great Concern, when I reflect upon the Dangers we lie under, whilst the Press is open. Who can foresee, nay, rather, who cannot, the fatal Consequences that may happen from the Scurrility of those Pens, who, when a Humour takes, will have no more Regard to the Honour of Foreign Princes, than of that which is due to our own ? *Res stulta est nequitiae modus*, there is no Mean in Mischief : No Mortal can say either to the *Raging of the Sea*, or to the *Madness of the People*, thou shalt go thus far, and no farther. What Excuse, at such a time, will it be to answer, That the *English* Press is always open ? Let us but turn the Tables, and suppose that an *English* Minister, Resident at some Foreign Court, should complain of some Publick Scandal upon our Good Queen and her Govern-
ment ;

ment; would it satisfy the Honour of the *British* Nation, to have it said, that the Authors are unknown, and that if they could be found out, prosecuted, and convicted, they should be Fined or Imprison'd; which our Resident, in the mean time, informs them is never like to be, by reason of some Deficiencies in that Government?

If this were the Case, (you'll say,) it could be no just Cause of War; but God grant it may never be a Pretence, when any Foreign Powers may think it their Interest to make War upon us. A wise Government should prevent all Occasions, and cut off all foreseen Handles of Pretence for aggravating a Manifesto.

Our *Courants*, *Mercuries*, *Observers*, and other Printed Papers, under the Denomination of Post Advices, are very apt to be too familiar with Sovereign Potentates, I will not say of every one of them; *Curiosus nemo est, qui non sit malevolus*. But there are other Authors whom I forbear to mention, who seem to have it in their Heads to embarrass the Queen's Affairs, by putting her Ministry to the Trouble of finding out Excuses for their not being able to hinder the Printing of Libels, such as reflect upon Foreign Affairs; whilst no other Arguments but Blood and Money, in a vast Expence, for their Defence who have been sometimes traduced by those Libels, could easily persuade the World, that the whole *British* Nation, as well as their Queen, abhors all manner of Affronts offer'd to their dear Friends and Allies.

What saith the Preacher? *A Man of an ill Tongue is dangerous in his City; and he that is rash in his Talk shall be hated*. You added, *Jura inventa metu injusti, fateare necesse est*.

10. You concluded as with the greatest Consideration of all, to wit, what we are to expect from the Liberty of the Press, with regard to a Reformation of Manners.

F

To

To reform a wicked Age, said the Old Gentleman, is a Noble and most Christian Undertaking; Peace and Comfort be to those Men who are heartily and unfeignedly in this great and pious Design : *The Blessings of the utmost Bounds of the Everlasting Hills* be on Them and their Posterity, who are in no other respect *separate from their Brethren*, than by the holy Distinction of doing the Work of the Lord not deceitfully.

But Oh that it were in the Hearts of every one of them, that have lifted themselves under his Banner, to separate from all worldly and carnal Interests, not to consult with Flesh and Blood; and much less bow down in the House of *Rimmon*.

Oh that they would not approach any Gentile Oracle, to hear what can be said in Defence of that which, *primo intuitu*, their own Consciences tell 'em, can never be consistent with what they have undertaken.

And can they, reply'd you, hope in good earnest to make any considerable Progress in their Work, till the great and notorious Obstacle of all be remov'd ? Is it possible for the Age to be reform'd, before its School-master, the Press, be so ? Is it not a vain thing to seek to unteach those Things, which there is much Opportunity and Encouragement to learn ?

Were I a leading Member of that noble Society, I should make it my first Care, like a wise Physician, to hinder the Accumulation of Causes, before I look'd after the Effects; *Quando aliquid prohibetur, prohibetur & omne per quod devenitur ad illud*. If it is not so, it ought so to be; and if the Laws are deficient as to the Causes of Evil, they must be first mended, in order to hinder the Effect.

Are Swearing, Drunkenness, and Whoredoms, the only Sins of the Nation ? Why, if they were so,

So, I should think that a Restraint upon the Press is the first proper Mean to prevent and suppress even those Sins, inasmuch as they are the plain Effect of a Contempt of God and Religion, which is professedly taught by almost every one of those Pamphlets, that would not be allow'd an *Imprimatur* under a due Regulation.

Ay, said the Old Gentleman, the Pulpits and Printing-Presses have a long time been at War with each other. I can't say which hath had the greatest Success, but they that are on the Side of the Gospel can easily determine which is the better Cause; and if they who know it will not assist in disarming the unjust Adversary, but leave it to Providence, they must expect no Reward from that Providence, unless what is due to those that *slightly heal the Wounds of God's People*, by applying untimely Medicines, before an effectual Stop be put to the Conflux of Humours.

My Friend smiled to see his Father's Zeal take place of his first Design: And then you rejoind; If we would suppress Prophaneness, Intemperance, and Uncleaness, those three loud Cataracts of the mighty Inundation of Sin, which is like to overflow and destroy the whole Nation; let the Sluices be first put down, and the Torrent by that means stopp'd; or else we do like those Seamen in a Calm, that ply the Pumps, without endeavouring to stop the Leaks, till such a Storm ariseth as they cannot if they would.

Now bad Principles are the Cause of bad Lives, and all our bad Principles are owing to bad Books; for tho' every Man can't read, yet the most Illiterate take Example by those that can; as supposing them Judges of what may be alledg'd on either side: And let the Clergy say what they will in the Pulpit, whilst the Gentry, who pretend to read otherwise, live all the Week in De-

fiance of those Truths they hear on Sundays. The Common People, byas'd with their own Lusts, have an Apology at hand for walking as the others do.

So that to make a thorough Reformation, they that can read must be put under as great an Incapacity, in reference to bad Books, as they that can't; for the Tares can't be so easily pluck'd up, as the Wheat might have been watch'd, to prevent the Adversaries sowing of the bad Grain. This latter Method is attended with no Dangers or Difficulties, 'tis practicable and easy, to prevent the Opportunity of being poison'd with impious Notions once for all; and when nothing can be met with in Theory to blast the first Principles of a good and virtuous Education, the Practice not only of the forenam'd Sins will abate, but also Detraction, Buffoonry, Slander, Strife, Lying, Heresy, Sedition, Rebellion, Treason, Deism, Atheism, Blasphemy, and other such Sins which cry out as loud for Vengeance as any other. These are Sins which the Nation abounds in, and might, in a great measure, be prevented, by restraining the Flagitiousness of the Press.

Here the Old Gentleman could not refrain again. Were I a Parliament-man, said he, I should think my self answerable in the Great Day of Account (*when Wit shall bide it self, and Understanding withdraw it self into his secret Chamber*) for all such Sins of the whole Nation, as might easily be prevented, in a great measure, by a Law which I either voted against, or which I did not use my utmost Endeavour to promote. I have heard you say 'tis a Maxim in Law, *Qui non obstat quod ob stare potest, facere videtur*. Good Law say you, and good Reason say I, tho' I don't like that Latin so well as your other Sentence, *Qui non prohibet quod prohibere potest, assentire videtur*.

And

And so long as such Reflections are wanting in Men's Minds, 'tis evident they can have but vain Pretensions to that Faith which they profess. I am convinced, and will gainsay no longer.

He that is not with me, saith Christ, is against me, and such is an Enemy to Christ and his Religion. Christ came to destroy the Works of the Devil; But where is the Devil's Work carry'd on now afresh, so much as in Printing-houses? Were the Apostles themselves to preach now amongst us, Demetrius and his Craftsmen would, by this Means, be still making Shrines for their Diana.

You have given, Sir, Reasons enough which regard the State, why the Licentiousness of the Press is no longer to be endur'd; and have show'd the Dangers and Mischiefs arising from it daily, the Pricks and Wounds that Innocence and Goodness have lately felt, and which have almost effected some convulsive Symptoms.

They who are jealous for the Peace and Quiet of the Nation, cannot, I believe, apprehend a Danger at Home so much from any thing, as what doth actually disturb the Queen's Government, and distract her Peoples Minds: And who knows, *præscinè dicam*, but a Civil War began with Ink may end in Blood. Those Gentlemen that will not bear to hear their Mothers, Wives, or Sisters, call'd W——, may be under a Provocation, some time or other, when the Construction of what they read shall be the calling their Saviour an Impostor, their Religion a Trick, their Queen a precarious Governour, and Themselves Knaves and Fools: *Deteriores omnes sumus Licentia*, is exemplify'd too much amongst us both actively and passively.

———*Verum nimia illa Licentia.
Profecto evadet in aliquod magnum malum.*

But

But I would have no secular Consideration the efficient Cause of a Law, that shall mostly concern God and Religion. If the Civil Government could be safe and easy without a Regulation of the Press, yet Religion and Virtue cannot be so ; and that's reason enough, why Innovations, and much more Insolencies, as to what concerns the Cause of God, should be restrain'd, *Reges qui serviunt Christo, faciunt leges pro Christo.*

Let the true Servants of God consider, that the Primitive Christians burnt their bad Books ; and in this degenerate Age, the prodigious Number of bad Books multiplies so, *that the Price of them cannot be counted.*

I am afraid we are fallen so much from Primitive Christianity, that if those curious Books had not been burnt, we should have had some of them English'd and Reprinted now ; tho' perhaps with less Danger to Religion, than those more insipid Originals that swarm abroad in every Term.

Behold we put Bitts in Horses mouths that they may obey us ; and so far as intire Obedience is due to the Gospel, the Unruliness of the Press ought to be bridled lest the whole World should be set on fire of Hell before the general Conflagration, God knows how near the End of all Things may be at hand ; let us therefore watch and be Sober, and not conform our selves to a mad World, but reprove it, by Silencing the Works of Darknes, that the Light of the glorious Gospel of Christ may shine out in its Primitive Simplicity and Lustre.

This, Sir, is the Substance of that Conference: And I hope you will take Nothing amiss from your Obedient Servant.

P. S. I just now received likewise from my said Friend, a Paper wrote by the Old Gentleman, his Father, soon after the aforesaid Conference, as followeth.

PROPO-

PROPOSALS for accommodating the
Regulation of the Press, to the Sentiments of Moderate Men.

*Humbly submitted to the Judgment of both Houses of
PARLIAMENT.*

IN the First place, Let the Act of Parliament made in the 13th or 14th of King CHARLES the Second, be revised and considered; together with the Journals of both Houses: in reference to the making of that Act, The main of which runs thus :

Whereas the well Government and Regulating of Printers, and Printing-Presses, is matter of publick and great Concernment; Especially considering that by the general Licentiousness of the late Times, many evil-disposed Persons have been encouraged to Print and Sell Heretical, Schismatical, Blasphemous, Seditious and Treasonable Books, Pamphlets, and Papers, and do still continue such their unlawful and exorbitant Practices, to the high dishonour of Almighty God, the endangering the Peace of these Kingdoms, and raising a Disaffection to His most excellent Majesty and His Government; for Prevention whereof, no surer Means can be advised, than by reducing and limiting the Number of Printing-Presses, &c.—in manner as is herein, &c.

Enacted, That no Person or Persons whatever, shall—Print, or cause to be Printed, any Heretical, Seditious, &c. Book or Pamphlet, &c.

Further Enacted, That no private Person or Persons whatever, shall—Print, or cause to be Printed, any Book or Pamphlet, unless the same be first Censored, &c. (Except Acts of Parliament, Proclamations,

mations, &c.) or first lawfully Licensed and Authorized, &c. Books of Law by the Lord Chancellor or Lord-Keeper, Lords Chief Justices and Lord Chief Baron of the Exchequer; Books of History by the Principal Secretaries of State; Books of Heraldry by the Earl Marshal, or Kings at Arms. Other Books, as Divinity, Physick, Philosophy, &c. by the Archbishop of Canterbury, Bishop of London, The Chancellor or Vice-Chancellor of either of the Universities, &c. or by their, or any of their Appointment, &c.

In the next place, Let be considered what Exceptions have been taken at this Act; what Inconveniencies it was ever thought to produce, and what Improvements might have been added to it, all which may, I think, be comprehended in a few Amendments; which I thus humbly Propose.

1. *First*, That for the Ease of the Subject, the Number of Licensers be enlarged, and the Speaker of each House of Parliament, every Privy-Counsellour, and other State-Officers who hold their Offices by no other Tenure than *Quam diu se bene gesserint*, may be Commission'd thereto by the Queen's Sign Manual; so that the two Arch-Bishops, The Bishop of London, The Lord Almoner, The Dean of the Chappel-Royal, The Queen's Chaplains in Ordinary for Divinity; Her Majesty's Physicians in Ordinary for Physick and Philosophy; Her 12 Judges, Attorney and Solicitor-General, and her Council at Law, for the Law, and the like, to whom there may be an easy access, may, for the sake of Dispatch, have Power of Licensing.

2. *Secondly*, That for more ease of the Subject, no Licenser shall keep any Manuscript Copy, brought

brought to him to be licensed, above such a number of Days, in proportion to the Bigness of the Manuscript (supposing it after the Proportion of one Day for every three Sheets, more or less *pro rata*) under such a Penalty, excepting Privy-Counsellors, Bishops, &c.

3. *Thirdly*, That for the still greater ease of the Subject, there be nothing demanded or received for Licensing any Book or Paper; and that any Person convict of Bribery by any single Testimony upon Oath, before a Justice of Peace or Master in Chancery, be utterly incapacitated to be any longer a Licenser till he have purged himself before the Privy-Council, saving that any Licenser may be allowed to accept of any Number, not exceeding Six of the Copies of the Book or Paper which he hath licensed.

4. *Fourthly*, That the Form of a Licence be in these, or the like Words;

I Have read all and every Part of this Book, &c. and find Nothing in it that, in my Opinion, tends to Heresy, Sedition, Treason, Prophaneness, or any Immorality; and therefore I judge it fit to be Printed. Witness my Hand, N. N. and let it be Attested by two or more Witnesses.

5. *Fifthly*, That a Penalty be inflicted upon every Printer, Publisher, Bookseller and Hawker, upon whom any Book or printed Paper shall be found without such a Licence prefixt to it.

And that the Intent of the Law may not be eluded by a voluntary Payment of the Mulct; I offer humbly my Opinion, that the Penalty be not small: For I remember, that when the Penalty of striking a Roman Citizen by a Law of the 12 Tables was no more than 25 Asses; one L. Neratius, a young rakely Patrician, had a Ser-

vant follow'd him with a Bag of Money, The Master insulting and beating every Citizen he pleas'd, and the Servant paying down immediately the small Sum.

6. *Sixthly*, That in favour to such Protestant Dissenters who are indulged by the Act of Toleration: This Act may not extend to any Books of Controversial Divinity.

Provided,

1. *First*, That before such a Day, The Heads of each Sect or Party respectively do exhibit in writing to the Archbishop of Canterbury, the Names of five Persons, known, approved of, and elected, to be fit Supervisors of the Writings of each respective Sect, and the said Choice signed and sealed by 20 of the most known and distinguish'd Professors of the said Sect.

2. That the same Professors, or a like number, shall have Liberty, Year by Year, of altering their List of Supervisors; and that every such List shall be Register'd (paying a very small Fee) in the Faculty-Office.

3. That no Printer or Publisher shall be exempt from the Penalty of this Law; in Printing or Publishing any Book or Paper which hath not the Suffrage of Three of the said Five Supervisors, under Hand and Seal, in this, or the like Form:

WE whose Names are underwritten, do sincerely testify, that Nothing is contain'd in this Book Contradictory or Derogatory to any Article of the Apostolical or Nicene Creeds, or the Queen's Majesty's Titles and Authority, her lawful Heirs and Successors; nor against the holy Scriptures, and good Manners; nor contrary to the avow'd Principles and Tenets of the People of our Profession, known and distinguish'd by the Name of English Presbyterians, Independants, &c. Witness our Hands.

7. *Seventhly*, That any Printer or Bookseller shall be allowed at all times, without Fee or Reward to inspect the said Register, and Collate the Hands of the said Supervisors, and that any Person convicted of Forging any Supervisor's Hand, shall be guilty of Felony, without Benefit of Clergy.

8. *Eighthly*, That every Printer shall be Bound to the Society of *Stationers* in a Bond of to Print nothing but what he receives from the Licenser's own hands, Licensed as aforesaid; and shall not Print any Alterations of the Copy so delivered without Leave first obtain'd of the said Licenser.

9. *Ninthly*, That a fair Duplicate of the said Copy in Writing shall be left in the Hands of the said Licenser, if he thinks fit to demand it; but the Licenser shall not be obliged to insist upon such a Demand.

10. *And lastly*, Because it cannot be foreseen at present what occasions there may be hereafter of amending, improving or altering the said Act, or what other Equivalent Provisions the Legislature may think fit to make; I humbly propose that the Time and Experience of Three Years only may be allowed, or a less Space, as the Parliament shall think fit; to whose Wisdom and Consideration I humbly submit every thing that I have here offer'd, Beseeching God Almighty to direct and prosper all their Consultations, to the Advancement of his Glory, the Good of his Church, the Safety, Honour and Welfare of our Sovereign and Her Kingdoms, That Peace and Happiness, Truth and Justice, Religion and Piety may be Establish'd among us for all Generations. Amen.

BOOKS Printed for R. and J. Bonwicke
at the Red-Lion in St. Paul's Church-
Yard. 1712.

Considerations on Mr. Whiston's Historical Preface. Being
an Answer to his Plain Questions, and other most Mate-
rial Passages therein contain'd. In a Letter to the Author of
The History of Montanism; and by him Recommended. With
an Appendix: Containing an Account of the Jewish Notion
of the *Messiah* in our Saviour's Time; Of the Successive Modes
of Subsistence of the Divine Logos; Of the Communication
of the Supereminent Names of God; And of the Generation and
Creation of Wisdom.

A Treatise of the Three Evils of the last Times: The Sword,
the Pestilence, and the Famine; and of their Natural and Moral
Causes: As also the insuing Coming of Antichrist, accord-
ing to the Notion of the Ancient Fathers.

The Divine Mission of Gospel-Ministers; With the Obligations
upon all Pious and Rich Christians to promote it, set forth;
In a Sermon preach'd before the Right Honourable the Lord-
Mayor and Court of Aldermen, at the Cathedral of St. Paul,
on Trinity-Sunday, May 27. 1711. The Day appointed by
Her Majesty for a Collection to be made in the City, &c.
Towards the more effectual Propagation of the Gospel in Fo-
reign Parts. Humbly offer'd to the Venerable Society incor-
porated for that Purpose. By Philip Stubbs, Rector of St. James
Garlick-Hyth, London; first Chaplain of the Royal Hospital for
Seamen at Greenwich, and a Member of the Society for Propa-
gating the Gospel in Foreign Parts.

